

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA

DELANEY’S DEVELOPMENT, INC.,	)	
YESTER OAKS APARTMENTS,	)	
WINDSOR PLACE APARTMENTS,	)	
CABANA APARTMENTS, CHICKASAW	)	
SHOPPING CENTER, EXOTIC WINGS,	)	
BRACO COMPLEX, PATHWAYS	)	
APARTMENTS, SANDPIPER	)	
APARTMENTS, and YESTER OAKS	)	
SHOPPING CENTER,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO. 11-500
	)	
vs.	)	
	)	
LANDMARK AMERICAN INSURANCE	)	
COMPANY, MT. HAWLEY INSURANCE	)	
COMPANY, and ILLINOIS UNION	)	
INSURANCE COMPANY,	)	
	)	
Defendants.	)	

**PLAINTIFFS’ NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF  
DEFENDANT LANDMARK AMERICAN INSURANCE COMPANY**

Plaintiffs Delaney’s Development, Inc., Yester Oaks Apartments, Windsor Place Apartments, Cabana Apartments, Chickasaw Shopping Center, Exotic Wings, Braco Complex, Pathways Apartments, Sandpiper Apartments, and Yester Oaks Shopping Center (hereinafter “plaintiffs”), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby file this notice of voluntary dismissal with prejudice of defendant Landmark American Insurance Company in the above-referenced matter, as defendant Landmark has not served either an answer to the complaint or a motion for summary judgment. By

agreement of counsel, plaintiffs and defendant Landmark American Insurance Company each shall bear their own costs and attorneys' fees incurred in this action.

Respectfully submitted, this 6<sup>th</sup> day of October, 2011.

s/C. Bennett Long  
C. Bennett Long, Esq. (ASB-1914-S67L)  
2919 8<sup>th</sup> Street  
Tuscaloosa, Alabama 35401  
Telephone: (205) 750-4999  
Facsimile: (205) 449-6502  
Email: bennett@hshptlaw.com

*Attorney for Plaintiffs Delaney's Development, Inc., Yester Oaks Apartments, Windsor Place Apartments, Cabana Apartments, Chickasaw Shopping Center, Exotic Wings, Braco Complex, Pathways Apartments, Sandpiper Apartments, and Yester Oaks Shopping Center*